

MEMORANDUM

TO: Service List: Competitive Market Initiatives, D.T.E. 01-54
FROM: Jeanne L. Voveris, Hearing Officer
DATE: July 27, 2001
RE: Procedural Memorandum
CC: Mary Cottrell, Secretary
Staff as Assigned

Thank you for attending the Department of Telecommunication and Energy's July 24, 2001, technical conference on access to customer information. If you would like to receive a copy of the transcript, please contact the court reporter directly:

Farmer Arsenault Brock LLC
50 Congress Street
Boston, MA 02109
Tel: 617-728-4404
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General Email: farmer@fabreporters.com
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The Department will accept written comments regarding the issues to be addressed in the first phase of the proceeding and any other issues dealing with access to customer information. See Competitive Market Initiatives, D.T.E. 01-54, at 7-8 (2001). In addition, the Department seeks to receive comments on the following issue:

In Competitive Market Initiatives, D.T.E. 01-54, the Department stated its intent to investigate issues involving internet-based customer authorizations or “electronic signatures.” The Department stated: “General Laws c. 164, § 1F requires customer authorization for switching must be in written form or via telephone with a third-party verification. This requirement, established as a consumer protection against “slamming” may be a barrier to the growing number of competitive suppliers that seek to do business through the Internet.” D.T.E. 01-54, at 10. Please discuss whether the use of electronic signatures is valid in Massachusetts. In particular, discuss whether there is any legal impediment to the use of electronic signatures in transactions related to contemplated competitive market initiatives such as the authorization for switching a consumer to a competitive supplier or the authorization to release customer usage information. If a legal impediment is identified, please discuss how such impediment

may be overcome. Where appropriate, please cite to the Massachusetts Restructuring Act, General Laws c. 164; the Department's restructuring regulations, 220 C.M.R. § 11.00, et seq.; and the Electronic Signatures in Global and National Commerce Act ("E-Sign"), 15 U.S.C. § 7001, et seq.

Initial comments should be filed on or before the close of business (5:00 p.m.) on Friday, August 10, 2001. Reply comments should be filed on or before the close of business on Friday, August 17, 2001. Please include an executive summary with your comments.

Fifteen (15) copies of all comments should be filed with:

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

An electronic copy of all comments should also be sent to the e-mail service list for this proceeding.

In addition to the 15 copies filed with the Department and the electronic copy sent to the email service list, please submit your comments to the Department in electronic format using one of the following methods:

- (1) by e-mail attachment to dte.efiling@state.ma.us and jeanne.voveris@state.ma.us; or
- (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 01-54), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g. Initial Comments or Reply Comments). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word, (naming the document with a ".doc" suffix) or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel.

All comments submitted in electronic format will be posted on the Department's Website, <http://www.magnet.state.ma.us/dpu>. Please let me know if any comments submitted are not posted on our Website within 72 hours after filing. Paper copies of all comments will be available for review and purchase at the Department's offices. Please contact John Boll of the Department's Administrative Services Division at (617) 305-3662 to make arrangements to review or purchase copies of these comments.

Please contact me if you have any questions. Thank you again for your participation.

